

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X Case No.: 08 CV 04045 (FB)(LB)  
ROY DEN HOLLANDER,

Plaintiff,

v.

DEBORAH SWINDELLS DONOVAN, PAUL W.  
STEINBERG, and JANE DOE,

Defendants.  
-----X

**DECLARATION OF JOSHUA S. HURWIT IN FURTHER SUPPORT OF DEFENDANT  
DEBORAH SWINDELLS DONOVAN'S MOTION FOR SUMMARY JUDGMENT  
AND IN OPPOSITION TO PLAINTIFF'S CROSS-MOTION FOR SUMMARY JUDGMENT**

Joshua S. Hurwit, an attorney duly admitted to practice in the State of New York,  
hereby affirms the following under the penalty of perjury:

1. I am associated with the law firm of Gordon & Rees LLP, counsel for Defendant Deborah Swindells Donovan ("Donovan"). As counsel for Donovan, I am fully familiar with the facts set forth herein. As counsel for Donovan, I am fully familiar with the facts set forth herein. This Declaration is submitted in further support of Donovan's motion for summary judgment and in opposition to Plaintiff Roy Den Hollander's ("Plaintiff") cross-motion for summary judgment.

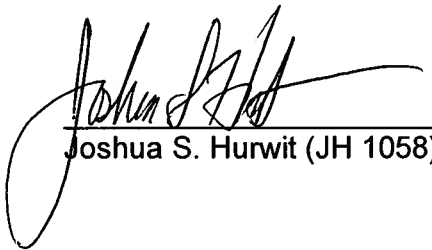
2. Annexed hereto as Exhibit "1" is a true and correct copy of *National Ass'n of Freelance Photographers v. Associated Press*, No. 97 Civ. 2267 (DLC), 1997 WL 759456 (S.D.N.Y. Dec. 10, 1997).

3. Annexed hereto as Exhibit "2" is a true and correct copy of *City Merchandise, Inc. v. Kings Overseas Corp.*, No. 99 CV 10456 (RCC), 2001 WL 286724 (S.D.N.Y. Mar. 23, 2001).

4. Annexed hereto as Exhibit "3" is a true and correct copy of *Noble v. Town Sports Intern., Inc.*, No. 96 CIV. 4257(JFK), 1998 WL 43127 (S.D.N.Y. Feb. 2, 1998).

5. Annexed hereto as Exhibit "4" is a true and correct copy of *Robinson v. Princeton Review, Inc.*, No. 96 CIV. 4859 (LAK), 1996 WL 663880 (S.D.N.Y. Nov. 15, 1996).

Dated: New York, New York  
January 18, 2010



Joshua S. Hurwit (JH 1058)